

EXPEDITED HANDLING PROCEDURE  
PURSUANT TO 37 C.F.R. § 1.116

#10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of MURPHY ET AL. )  
 ) Art Unit: 1761  
 )  
Serial Number: 09/728,443 ) Examiner: Wong, L.  
 )  
Filed: December 1, 2000 ) Atty Docket: 5485  
  
For: CALCIUM FORTIFIED DAIRY PRODUCTS AND METHODS OF  
PREPARATION

VIA FACSIMILE ( 3 PAGES )  
(703) 872-9311

RESPONSE AFTER FINAL

BOX AF  
Assistant Commissioner of Patents  
Washington, D.C. 20231

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Sir:

This paper is filed in response to the Final Office Action dated July 31, 2002 issued in the above-identified U.S. patent application. In view of the following remarks, reconsideration of the application is respectfully submitted.

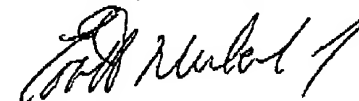
The Examiner has justified the combination of Fleury et al and Hansen et al on the point that they are both directed to "the conventional calcium fortification of yogurt". It is respectfully submitted that this basis provided by the Examiner is insufficient because Fleury et al and Hansen et al teach away from each other. Therefore, modifying Fleury et al in view of Hansen et al. would destroy the specific teachings in the main reference such that the combination would not be obvious to one of ordinary skill in the art.

More specifically, the Examiner states "Hansen et al is merely cited to disclose a process for preparing a fortified yogurt comprising the addition of calcium prior to

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any event, if the Examiner should have any additional concerns regarding the allowance of this application, she is cordially invited to contact the undersigned at the number provided below to further expedite the prosecution.

Respectfully submitted,



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Remarks:

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